

Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1997 and extending through December 31, 1997.

Effective on November 12, 1997, you are directed to establish a limit for textile products in Category 603 at a level of 550,000 kilograms<sup>1</sup> for the period October 1, 1997 through December 31, 1997, pursuant to the Uruguay Round Agreements Act, the Uruguay Round Agreement on Textiles and Clothing (ATC) and a Memorandum of Understanding dated October 28, 1997 between the Governments of the United States and Thailand.

Textile products in Category 603 which have been exported to the United States prior to October 1, 1997 shall not be subject to this directive.

Textile products in Category 603 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Import charges for Category 603 will be provided as data become available.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 97-29465 Filed 11-6-97; 8:45 am]

BILLING CODE 3510-DR-F

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 98-C0001]

### In the Matter of Yongxin International, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR § 1118.20(e)-(h). Published below is a provisionally-accepted Settlement Agreement with Yongxin International, Inc., a corporation, "containing a civil penalty of \$50,000."

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by November 22, 1997.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 98-C0001, Office of the Secretary, Consumer Product Safety Commission, Washington D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0626.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: November 4, 1997.

**Sadye E. Dunn,**  
Secretary.

### United States of America Consumer Product Safety Commission

[CPSC Docket No. 98-C0001]

*In the Matter of Yongxin International, Inc., a Corporation*

### Settlement Agreement and Order

1. Yongxin International, Inc. (hereinafter, "Yongxin" or "Respondent"), a corporation, enters into this Settlement Agreement (hereinafter, "Agreement"), and agrees to the entry of the Order incorporated herein. The purpose of this Agreement and Order is to settle the staff's allegations that Yongxin knowingly imported into the United States for sale and distribution in United States commerce cigarette lighters that are subject to and failed to comply with the Safety Standard For Cigarette Lighters (hereinafter, "Standard"), 16 C.F.R. part 1210, in violation of section 19(a)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2068(a)(1).

#### I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission (hereinafter, "Commission" or "CPSC"), an independent regulatory commission of the United States established pursuant to section 4 of the CPSA, 15 U.S.C. § 2053.

3. Since 1992, Yongxin has been a corporation organized and existing under the laws of the State of California. Its principal corporate offices are located at 17870 Castleton Street, Suite 260, City of Industry, CA 91748. Yongxin is an importer, broker, and distributor of various consumer items including cigarette lighters.

#### II. Allegations of the Staff

4. On three occasions between October 21, 1994, and June 18, 1996, Yongxin knowingly imported into the United States for sale and distribution in United States commerce 83 kinds of disposable and novelty cigarette lighters (141,300 units). These cigarette lighters are identified and described as follows:

Collection date* entry date	Sample No.	Type of lighter, model No.	Number of lighters
10/21/94 .....	T-867-8061 .....	Disposable, No. 1 .....	11,000
10/21/94 .....	T-867-8062 .....	Novelty, No. 5 .....	2,400
10/21/94 .....	T-867-8063 .....	Disposable, No. 8 .....	2,400
10/21/94 .....	T-867-8064 .....	Novelty, No. 9 .....	1,000

<sup>1</sup> The limit has not been adjusted to account for any imports exported after September 30, 1997.

Collection date* entry date	Sample No.	Type of lighter, model No.	Number of lighters
10/21/94 .....	T-867-8065 .....	Novelty, No. 2 .....	1,500
12/09/94 * .....	T-867-8117 .....	Novelty, No. 1 .....	2,500
12/09/94 * .....	T-867-8118 .....	Disposable, No. 3 .....	10,200
12/09/94 * .....	T-867-8119 .....	Disposable, No. 4 .....	2,000
12/09/94 * .....	T-867-8120 .....	Novelty, No. 5 .....	2,000
12/09/94 * .....	T-867-8121 .....	Disposable, No. 6 .....	2,000
12/09/94 * .....	T-867-8123 .....	Disposable, No. 8 .....	10,000
12/09/94 * .....	T-867-8122 .....	Disposable, No. 7 .....	10,000
12/09/94 * .....	T-867-8124 .....	Disposable, No. 37 .....	2,500
12/09/94 * .....	T-867-8125 .....	Novelty, No. 119 .....	18,000
12/09/94 * .....	T-867-8126 .....	Novelty, No. 511 .....	5,000
12/09/94 * .....	T-867-8127 .....	Novelty, No. 1410 .....	8,000
06/18/96 .....	96-860-6126 .....	Novelty .....	500
06/18/96 .....	96-860-6127 .....	Novelty .....	500
06/18/96 .....	96-860-6128 .....	Novelty .....	500
06/18/96 .....	96-860-6129 .....	Novelty .....	1,000
06/18/96 .....	96-860-6130 .....	Novelty .....	500
06/18/96 .....	96-860-6131 .....	Novelty .....	540
06/18/96 .....	96-860-6132 .....	Novelty .....	3,600
06/18/96 .....	96-860-6133 .....	Novelty .....	50
06/18/96 .....	96-860-6134 .....	Novelty .....	20
06/18/96 .....	96-860-6135 .....	Novelty .....	20
06/18/96 .....	96-860-6136 .....	Disposable .....	20
06/18/96 .....	96-860-6137 .....	Disposable .....	20
06/18/96 .....	96-860-6138 .....	Disposable .....	20
06/18/96 .....	96-860-6139 .....	Disposable .....	50
06/18/96 .....	96-860-6140 .....	Disposable .....	7,200
06/18/96 .....	96-860-6141 .....	Disposable .....	300
06/18/96 .....	96-860-6142 .....	Disposable .....	55
06/18/96 .....	96-860-6143 .....	Disposable .....	200
06/18/96 .....	96-860-6144 .....	Disposable .....	250
06/18/96 .....	96-860-6145 .....	Novelty .....	500
06/18/96 .....	96-860-6146 .....	Novelty .....	500
06/18/96 .....	96-860-6147 .....	Novelty .....	100
06/18/96 .....	96-860-6148 .....	Novelty .....	2,000
06/18/96 .....	96-860-6149 .....	Novelty .....	1,200
06/18/96 .....	96-860-6150 .....	Disposable .....	864
06/18/96 .....	96-860-6151 .....	Novelty .....	1,056
06/18/96 .....	96-860-6152 .....	Novelty .....	1,000
06/18/96 .....	96-860-6153 .....	Novelty .....	2,000
06/18/96 .....	96-860-6154 .....	Novelty .....	10,000
06/18/96 .....	96-860-6155 .....	Novelty .....	500
06/18/96 .....	96-860-6156 .....	Novelty .....	500
06/18/96 .....	96-860-6157 .....	Novelty .....	1,000
06/18/96 .....	96-860-6158 .....	Disposable .....	200
06/18/96 .....	96-860-6159 .....	Disposable .....	200
06/18/96 .....	96-860-6160 .....	Disposable .....	600
06/18/96 .....	96-860-6161 .....	Disposable .....	500
06/18/96 .....	96-860-6162 .....	Disposable .....	500
06/18/96 .....	96-860-6163 .....	Disposable .....	1,500
06/18/96 .....	96-860-6164 .....	Novelty .....	500
06/18/96 .....	96-860-6165 .....	Novelty .....	20
06/18/96 .....	96-860-6166 .....	Novelty .....	2,000
06/18/96 .....	96-860-6167 .....	Novelty .....	2,600
06/18/96 .....	96-860-6168 .....	Novelty .....	100
06/18/96 .....	96-860-6169 .....	Novelty .....	20
06/18/96 .....	96-860-6170 .....	Novelty .....	80
06/18/96 .....	96-860-6171 .....	Disposable .....	500
06/18/96 .....	96-860-6172 .....	Novelty .....	500
06/18/96 .....	96-860-6173 .....	Novelty .....	300
06/18/96 .....	96-860-6174 .....	Disposable .....	300
06/18/96 .....	96-860-6175 .....	Disposable .....	300
06/18/96 .....	96-860-6176 .....	Disposable .....	300
06/18/96 .....	96-860-6177 .....	Disposable .....	300
06/18/96 .....	96-860-6178 .....	Disposable .....	300
06/18/96 .....	96-860-6179 .....	Disposable .....	300
06/18/96 .....	96-860-6180 .....	Disposable .....	500
06/18/96 .....	96-860-6181 .....	Novelty .....	200
06/18/96 .....	96-860-6182 .....	Disposable .....	200
06/18/96 .....	96-860-6183 .....	Disposable .....	500
06/18/96 .....	96-860-6184 .....	Disposable .....	100
06/18/96 .....	96-860-6185 .....	Disposable .....	50

Collection date* entry date	Sample No.	Type of lighter, model No.	Number of lighters
06/18/96 .....	96-860-6186 .....	Disposable .....	50
06/18/96 .....	96-860-6187 .....	Novelty .....	50
06/18/96 .....	96-860-6188 .....	Novelty .....	50
06/18/96 .....	96-860-6189 .....	Disposable .....	200
06/18/96 .....	96-860-6190 .....	Disposable .....	60
06/18/96 .....	96-860-6191 .....	Disposable .....	100
06/18/96 .....	96-860-6192 .....	Disposable .....	255

5. The cigarette lighters identified as disposable cigarette lighters in paragraph 4 above are subject to the Commission's Safety Standard For Cigarette Lighters at 16 CFR Part 1210, issued under section 9 of the CPSA, 15 U.S.C. § 2058 because they are fueled by butane, isobutane, propane, or other liquified hydrocarbon, or a mixture containing any of these, whose vapor pressure at 75°F (24°C) exceeds a gage pressure of 15 psi (103kPA), and they have a customs valuation or ex-factory price under \$2.00, as adjusted every 5 years, to the nearest \$0.25, in accordance with the percentage changes in the monthly Wholesale Price Index from June 1993.

6. The cigarette lighters identified as novelty cigarette lighters in paragraph 4 above are subject to the Commission's Safety Standard For Cigarette Lighters at 16 CFR Part 1210, issued under section 9 of the CPSA, 15 U.S.C. § 2058 because they have entertaining audio or visual effects, or they depict (logos, decals, art work, etc.) or resemble in physical form or function articles commonly recognized as appealing to or intended for use by children under 5 years of age.

7. The cigarette lighters identified in paragraph 4 above failed to comply with the child resistant requirements of the Standard at 16 CFR § 1210.3 because they lacked a child resistant mechanism.

8. The cigarette lighters identified in paragraph 4 above were not labeled in accordance with the labeling requirements of the Standard at 16 CFR § 1210.12(c).

9. The cigarette lighters identified in paragraph 4 above were not accompanied by a certificate of compliance as required by the Standard at 16 CFR § 1210.12(b).

10. The Respondent failed to submit to the Office of Compliance, Division of Regulatory Management written reports at least 30 days prior to the importation of the cigarette lighters identified in paragraph 4 above as required by the Standard at 16 CFR § 1210.17(b).

11. The Respondent knowingly committed the acts set forth in paragraphs 4 through 10 above, in

violation of section 19(a)(1) of the CPSA, 15 U.S.C. § 2068(a)(1), for which a civil penalty may be imposed pursuant to section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1).

### III. Response of Respondent

12. Respondent denies the allegations of the staff set forth in paragraphs 4 through 11 above that it knowingly imported into the United States for sale and distribution in United States commerce disposable and novelty cigarette lighters that are subject to and failed to comply with the requirements of the Commission's Safety Standard For Cigarette Lighters, 16 CFR Part 1210, in violation of section 19(a)(1) of the CPSA, 15 U.S.C. § 2068(a)(1), for which a civil penalty may be imposed pursuant to section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1).

### IV. Agreement of the Parties

13. The Commission has jurisdiction over this matter under the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

14. Upon final acceptance by the Commission of this Settlement Agreement and Order, the Commission shall issue the attached Order incorporated herein by reference.

15. The Commission does not make any determination that the Respondent knowingly violated the CPSA. This Agreement is entered into for the purposes of settlement only.

16. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, the Respondent knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether the Respondent failed to comply with the CPSA as aforesaid, (4) to a statement of findings of facts and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

17. For purposes of section 6(b) of the CPSA, 15 U.S.C. § 2055(b), this matter

shall be treated as if a complaint had issued; and the Commission may publicize the terms of this Settlement Agreement and Order.

18. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 C.F.R. §§ 1118.20(e)-(h). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**.

19. The parties further agree that the Commission shall issue the attached Order; and that a violation of the order shall subject the Respondent to appropriate legal action.

20. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or to contradict its terms.

21. The provisions of the Settlement Agreement and Order shall apply to Respondent and each of its successors and assigns.

Dated: September 16, 1997.  
Respondent Yongxin International, Inc.

**Jian Hong Yang,**

*Secretary, Yougxin International, Inc., 17870 Castleton Street, Suite 260, City of Industry, CA 91748.*

Commission Staff

**Eric L. Stone,**

*Director, Division of Administrative Litigation, Office of Compliance.*

**David Schmeltzer,**

*Assistant Executive Director, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207-0001.*

Dated: September 22, 1997.

**Dennis C. Kacoyanis,**

*Trial Attorney, Division of Administrative Litigation, Office of Compliance.*

### Order

Upon consideration of the Settlement Agreement entered into between Respondent Yongxin International, Inc.,

a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Yongxin International, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

*Ordered*, that the Settlement Agreement be and hereby is accepted; and it is

*Further Ordered*, that upon final acceptance of the Settlement Agreement and Order, Yongxin International, Inc. shall pay the Commission a civil penalty in the amount of fifty thousand and 00/100 dollars (\$50,000.00) in three (3) payments. The first payment sixteen thousand six hundred sixty-seven and 00/100 dollars (\$16,667.00) shall be due within twenty (20) days after service upon Respondent of the Final Order of the Commission accepting the Settlement Agreement. The second payment of sixteen thousand six hundred sixty-seven and 00/100 dollars (\$16,667.00) shall be made within 12 months after service of the Final Order upon Respondent. The third payment of sixteen thousand six hundred and sixty-six and 00/100 dollars (\$16,666.00) shall be made within 24 months after service of the Final Order upon Respondent. Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs 4 through 11 of the Settlement Agreement that Yongxin International, Inc. knowingly violated the CPSA. Upon the failure by Yongxin International, Inc. to make a payment or upon the making of a late payment by Yongxin International, Inc. the entire amount of the civil penalty is due and payable, and the interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. §§ 1961 (a) and (b).

Provisionally accepted and Provisional Order issued on the 4th day of November, 1997.

By Order of the Commission.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 97-29501 Filed 11-6-97; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ID-3082-000]

#### Ellen V. Futter; Notice of Filing

November 3, 1997.

On October 21, 1997, Ellen V. Futter, (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

*Trustee:* Consolidated Edison Company of New York, Inc.

*Director:* J.P. Morgan & Co. Incorporated and Morgan Guaranty Trust Company of New York

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before November 14, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97-29431 Filed 11-6-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 2004-073 and 11607-000]

#### Holyoke Water Power Company, Ashburnham Municipal Light Plant and Massachusetts Municipal Wholesale Electric Company; Notice of Project Site Visit for the Holyoke Hydroelectric Project on the Connecticut River

November 3, 1997.

The Federal Energy Regulatory Commission (Commission) is reviewing the Holyoke Water Power Company's application for a new license for the continued operation of the Holyoke Project on the Connecticut River, Massachusetts. The Commission is similarly reviewing a competing application for the Holyoke Project by

Ashburnham Municipal Light Plant and the Massachusetts Municipal Wholesale Electric Company.

The Commission anticipates conducting public and agency scoping meetings for the Holyoke Project during the upcoming winter months. Given the uncertainty in weather conditions during the winter in Massachusetts, the applicant and Commission staff will conduct a site visit of the Holyoke Project prior to conducting any scoping meetings. The site visit will be held on November 18, 1997, beginning at 9:00 a.m. All interested individuals, organizations, and agencies are invited to attend. All participants are responsible for their own transportation to the site. For more details, interested parties should contact Mr. Jim Kearns of Northeast Utilities Service Company at (860) 665-5936 prior to the site visit date.

For further information, please contact Allan Creamer, at (202/219-0365) Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street, N.E., Washington, D.C. 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-29483 Filed 11-6-97; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-49-000]

#### K N Wattenberg Transmission Limited Liability Company; Notice of Application

November 3, 1997.

Take notice that on October 24, 1997, K N Wattenberg Transmission Limited Liability Company (K N Wattenberg), P.O. Box 281304, Lakewood, Colorado 80228-8304, filed an abbreviated application in Docket No. CP98-49-000,<sup>1</sup> pursuant to Section 7(c) of the Natural Gas Act, as amended, and Part 157 of the Commission's Regulations, for a certificate of public convenience and necessity authorizing it to acquire, construct and operate, as necessary certain pipeline and related facilities designated as the Front Runner Pipeline, all as more fully set forth in the application on file with the

<sup>1</sup> K N Wattenberg states that this application is substantively identical to its application filed on August 25, 1997, in Docket No. CP97-707-000, which was dismissed without prejudice by the Commission on October 15, 1997, due to the lack of sufficient market data as required in Section 157.14 of the Commission's regulations.